

device, that light is still able to transmit through the layers. Moreover, the Office action argues that the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish.

Applicants initially note that layer 32 is not a *circuit substrate* (as is presently claimed), but is instead a glass substrate as clearly disclosed in paragraph [0027] of the specification. Layer 31 is also a glass substrate, and, as shown in Fig. 8, reflective materials 6 are provided both between the light emitting device and the lower glass substrate and above the upper glass substrate.

The Office action notes that upper reflection layer 6 can be formed into a thin film as disclosed in Figure 3; however, Applicants believe that this is not actually the case, as the reflective layer designated as "6" is clearly formed of a plurality of layers 611, 612 and 613; thus, reflective layer 6 as shown in Figure 8 is presumably the same as reflective layer 6 (composed of layers 611, 612 and 613) shown in Figure 3.

Moreover, the device of Lin is not capable of performing the function of the claimed invention. Note that according to present Claim 1, the upper reflection layer is "formed into a thin film to transmit a portion of the light rays *emitted by the LED* through the upper reflection layer in a forward direction and to reflect another portion of the light rays *emitted by the LED...*" (emphasis added).

Note the following statement from paragraph [0027] of the specification of Lin:

"Each of the first and second omnidirectional reflectors 6 is made from an omnidirectional one-dimensional photonic crystal, and has a transmittance characteristic that permits

transmission of the secondary light therethrough, and a reflectance characteristic that substantially permits *total reflection of the remainder of the primary light* with incident angle and polarization back to the wavelength-converting member 4." (emphasis added)

It is important to note here that when Lin refers to "primary light," it refers to the *light emitted by the light-generating unit 51*. The light referred to by Lin as "secondary light" is the light emitted by the wavelength converting member 4; see paragraph [0027] for this definition.

Thus, contrary to the statement made in the Office action, the upper reflection layer 6 does not transmit a portion of light rays emitted by the LED in the forward direction; layer 6 totally reflects the primary light emitted by the LED, which is made clear by the following sentence from paragraph [0035]:

"Note that the main function of the second omnidirectional reflector 6 is to totally reflect the primary light back to the wavelength-converting member 4."

This function relates specifically to the objective of Lin, which is to improve the efficiency of converting the primary light into the secondary light so as to enhance the light efficiency of the light emitting device. (See paragraph [0007]). Lin therefore discloses a configuration that prevents the primary light from passing out of the device through the omnidirectional reflectors.

To the contrary, the claimed invention discloses a configuration of an LED device in which a reflector passes a portion of the light generated by the LED out of the device and reflects a portion of that light. The result is a device which emits light not only in a direction perpendicular to the light emitting surface of the LED device, but also in lateral

directions. Generally, light emitted from an LED device in the perpendicular direction is the strongest whereas according to the invention, a part of the strongest light is dispersed in lateral directions.

Thus, the device of Lin does not perform the same function as the device of the claimed invention, and is structurally different, particularly in respect of the substrate which is different, and in respect of the upper reflector, which according to Lin, totally reflects the light emitted by the light-generating unit 51.

Withdrawal of this rejection is accordingly requested.

Claims 4 through 6 have been rejected under 35 USC 103(a) over Lin in view of Ohtsuki et al. Lin has been discussed in detail above and Applicants rely on that discussion.

Applicants further submit that Ohtsuki et al does not cure the defects of Lin as discussed in detail, and withdrawal of this rejection is requested.

In view of the foregoing remarks, Applicants submit that the present application is now in condition for allowance and an early allowance of the application is earnestly solicited.

Respectfully submitted,



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